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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4-21-MJ-71002 MAG
)	
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	CONTINUING HEARING
)	
DAVID MCCONNELL,)	Current Date: February 3, 2022 at 10:00 A.M.
)	Proposed Date: April 11, 2022 at 10:00 A.M.
)	
Defendant.)	
)	
)	

The defendant is currently scheduled to appear before the Court on February 3, 2022, at 10:00 A.M., for status on detention, and status on preliminary hearing or arraignment. The government and defense counsel have conferred and continue to confer in an attempt to reach a prompt pre-indictment resolution. The government has produced discovery and relayed a pre-indictment plea offer, which defense counsel needs additional time to review with the defendant. Defense counsel is continuing to research and investigate necessary information as well, including in light of recent legal developments. Defense counsel's review of the materials and offer with defendant has further been limited because of recent quarantines at the Santa Rita Jail. The parties are therefore requesting that the status regarding preliminary hearing or arraignment be rescheduled to April 11, 2022, at 10:00 A.M. to allow for the

effective preparation of counsel.

The parties are further requesting that the time between February 3, 2022, and April 11, 2022, be excluded from the speedy trial clock. The parties agree that the additional time is necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agree that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

The parties further submit that good cause exists for extending the time limits for preliminary hearing under Federal Rule of Criminal Procedure 5.1, and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b). The defendant consents to the extension of time.

The undersigned Assistant United States Attorney certifies that she has obtained approval from counsel for the defendant to file this stipulation and proposed order.

DATED: February 1, 2022

Respectfully Submitted,

STEPHANIE M. HINDS
United States Attorney

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SAMANTHA BENNETT
Assistant United States Attorney

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JOHN PAUL REICHMUTH
Attorney for David McConnell

ORDER

The status hearing currently scheduled for defendant David McConnell for February 3, 2022, is rescheduled for April 11, 2022, at 10:00 A.M.

The Court further finds that the exclusion of time from February 3, 2022, through and including April 11, 2022, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny effective preparation of counsel and would result in a miscarriage of justice. 18 U.S.C. § 3161 (h)(7)(B)(iv).

The Court further finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

DATED: February 2, 2022


HON. KANDIS A. WESTMORE
United States Magistrate Judge